

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

OCT 21 2005

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY RS DEPUTY

BILLIE C. WYATT,

Plaintiff,

vs.

No. CIV-05-80-W

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

ORDER

On October 11, 2005, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this matter and recommended that this Court affirm the decision of the defendant, Jo Anne B. Barnhart, Commissioner of the Social Security Administration ("Commissioner"), denying the Application for Disability Insurance Benefits filed by plaintiff Billie C. Wyatt. Wyatt was advised of her right to object, and she timely filed an Objection to Magistrate Judge Purcell's Report and Recommendation.

Upon de novo review of the record and after consideration of Wyatt's challenges regarding the substitution of Administrative Law Judge Kim Daniel Parrish ("ALJ") for Administrative Law Judge Mell J. Lacy, Jr., deceased, and regarding the ALJ's determination of Wyatt's residual functional capacity, the Court concurs with the Magistrate Judge's suggested disposition of this matter. The ALJ properly evaluated the evidence, based his determinations on substantial evidence, and applied the correct legal standards.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation issued on October 11, 2005;

(2) AFFIRMS the Commissioner's decision to deny Wyatt's Application for Disability

Insurance Benefits; and

(3) ORDERS that judgment in favor of the Commissioner issue forthwith.

ENTERED this 21st day of October, 2005.

A handwritten signature in black ink, appearing to read "Lee R. West", written over a horizontal line.

LEE R. WEST
UNITED STATES DISTRICT JUDGE